

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF THE STATE OF WASHINGTON

TINA STOCKMOE, an individual,
Plaintiff,

v.

KITSAP MENTAL HEALTH SERVICES, a
Washington public benefit nonprofit
corporation,

Defendant.

CASE NO.

COMPLAINT FOR DAMAGES

JURY DEMAND

I. PARTIES, JURISDICTION AND VENUE

1.1 Plaintiff, Tina Stockmoe (“Ms. Stockmoe”), is an individual residing in Kitsap County, Washington.

1 1.2 Defendant Kitsap Mental Health Services (“KMHS”, “Employer” or “Company”)
2 is a Washington public benefit nonprofit corporation with its principal place of business in Kitsap
3 County, Washington.

4 1.3 This Court has original jurisdiction in this matter pursuant to 28 U.S.C. §1331 as
5 the claims under the Equal Pay Act involve a federal question, and this Court has ancillary
6 jurisdiction over the state law claims pursuant to 28 U.S.C. §1367(a).

7 1.4 Venue is proper in the United States District Court for the Western District of the
8 State of Washington pursuant to 28 U.S.C. §1391(b)(1) and (2).
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11 **II. FACTUAL ALLEGATIONS**

12 2.1 Ms. Stockmoe is a black woman.

13 2.2 KMHS hired Ms. Stockmoe as a custodian on or about April 26, 2018.

14 2.3 In setting initial wages, KMHS saw “one job listed on your application and that is
15 what we used to calculate starting wages.”
16

17 2.4 KMHS pays Ms. Stockmoe the Washington State made minimum wage, currently
18 \$13.50 per hour.

19 2.5 For over a year, Ms. Stockmoe has requested that KMHS increase her wage rate.

20 2.6 Ms. Stockmoe’s supervisor, Jeanie Fliege, supported Ms. Stockmoe’s efforts to get
21 a wage increase, but her efforts were not successful.
22

23 2.7 On June 19, 2020, KMHS Chief Operating Officer Megan Kelly sent an email to
24 all staff entitled “We Are Listening” which in part provided that the company would “**Review**
25 **salaries of our black and brown employees to determine if there is implicit biases in our**
26

1 **compensation structure.”** The email designated human resources with the task of conducting the
2 review.

3 2.8 Ms. Stockmoe did not receive a copy of the email. Instead, Ms. Stockmoe first saw
4 it after a co-worker asked Ms. Stockmoe what she thought about the “brown and blacks” reference
5 in the email.
6

7 2.9 Ms. Stockmoe has not received any report of a completed salary or compensation
8 review and has received no increase to her compensation of any kind.

9 2.10 KMHS hired a white male to perform the same work and is paying that employee
10 a higher rate of compensation.

11 2.11 Upon information and belief, a white co-worker requested a raise from Facilities
12 Manager Pylo Lopez. The co-worker was directed to speak with KMHS Senior Human Resources
13 Analyst Bryan Moore but not to tell Ms. Stockmoe.
14

15 2.12 On September 10, 2020, Ms. Stockmoe raised her complaint of pay discrimination
16 with KMHS Chief Human Resources Officer, Tracy Clarke, pointing out that she was being paid
17 less than a male employee for the same work and raising the issue of discrimination based on race.

18 2.13 Ms. Clarke responded by indicating that the Company-wide review was nearly
19 complete, but did not otherwise respond to Ms. Stockmoe’s complaints of pay discrimination based
20 on sex and race, and indicated no intention to investigate or review the complaint or Ms.
21 Stockmoe’s actual work experience upon which her initial wage rate was allegedly based.
22

23 2.14 Likewise, Chief Executive Officer Joe Roszak in responding to Ms. Stockmoe’s
24 claims of pay discrimination referenced a report out on the “organizational compensation work
25 that is underway,” but did not direct human resources to conduct any investigation of Ms.
26 Stockmoe’s complaint of pay discrimination.

1 2.15 The next day, on September 11, 2020, Mr. Roszak shared “KMHS anti-racism and
2 anti-discrimination pledge” with its employees. The pledge reads as follows: “KMHS
3 acknowledges that racism and discrimination of any kind undermines mental health and the health
4 of individuals, families and communities. We pledge to work against individual, interpersonal and
5 institutional racism and discrimination in all of its many forms. Black Lives Matter. The Lives of
6 People of Color Matter. Your Life Matters.”

7
8 2.16 Despite this pledge, KMHS continues to do nothing to address Ms. Stockdale’s
9 issues of pay discrimination.

10 2.17 KMHS is an “enterprise engaged in commerce” within the meaning of 29 U.S.C. §
11 203(s)(1)(B).

12 2.18 During Ms. Stockmoe’s employment with KMHS, KMHS paid Ms. Stockmoe less
13 than male employees for equal work on jobs the performance of which requires equal skill, effort
14 and responsibility and which are performed under similar working conditions, in violation of the
15 Equal Pay Act, 29 U.S.C. § 206(d).

16
17 2.19 During Ms. Stockmoe’s employment with KMHS, KMHS discriminated against
18 Ms. Stockmoe in providing compensation based on gender between similarly situated employees,
19 in violation of the Washington Equal Pay and Opportunities Act, RCW 49.58.020 and the
20 Washington Law Against Discrimination, RCW 49.60.180.

21
22 2.20 During Ms. Stockmoe’s employment with KMHS, KMHS discriminated against
23 Ms. Stockmoe in providing compensation based on race between similarly situated employees, in
24 violation of the Washington Law Against Discrimination, RCW 49.60.180.

25 2.21 Defendant’s violations of the law are willful and ongoing.
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1 2.22 As a result of Defendant's violations, Ms. Stockmoe has been damaged in an amount
2 to be proven at trial.

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4 **III. FIRST CAUSE OF ACTION**
5 **Sex Discrimination in Compensation**
6 **Violation of the Equal Pay Act**
7 **29 U.S.C. § 206(d)**

8 3.1 Plaintiff realleges paragraphs 1.1 through 2.22 as though fully set forth herein.

9 3.2 Defendant's actions and omissions constitute violations of the Equal Pay Act
10 ("EPA"), 29 U.S.C. 206(d).

11 3.3 As a result of Defendant's violation of the law, Plaintiff has been damaged in an
12 amount to be proven at trial.

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14 **IV. SECOND CAUSE OF ACTION**
15 **Wage Discrimination Due to Gender**
16 **Violation of the Washington Equal Pay and Opportunities Act**
17 **RCW 49.58**

18 4.1 Plaintiff realleges paragraphs 1.1 through 3.3 as though fully set forth herein.

19 4.2 Defendant's actions and omissions constitute violations of the Washington Equal
20 Pay and Opportunities Act ("EPOA"), RCW 49.58.

21 4.3 As a result of Defendant's violation of the law, Plaintiff has been damaged in an
22 amount to be proven at trial.

V. THIRD CAUSE OF ACTION
Discrimination In Compensation Because Of Sex
Violation of the Washington Law Against Discrimination
RCW 49.60.180(3)

5.1 Plaintiff realleges paragraphs 1.1 through 4.3 as though fully set forth herein.

5.2 Defendant's actions and/or omissions constitute violations of the Washington Wage Law Against Discrimination (WLAD), RCW 49.60.180(3)

5.3 As a result of Defendant's violations, Plaintiff has been damaged in an amount to be proven at trial.

VI. FOURTH CAUSE OF ACTION
Discrimination In Compensation Because Of Race
Violation of the Washington Law Against Discrimination
RCW 49.60.180(3)

6.1 Plaintiff realleges paragraphs 1.1 through 5.3 as though fully set forth herein.

6.2 Defendant's actions and/or omissions constitute violations of the WLAD, RCW 49.60.180(3)

6.3 As a result of Defendant's violations, Plaintiff has been damaged in an amount to be proven at trial.

JURY DEMAND

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury of all issues.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully requests that this Court grant the following relief as against Defendant:

1. An order declaring that KMHS has violated the EPA, the EPOA and the WLAD by paying Ms. Stockmoe less than similarly situated employees due to discrimination based on sex, gender and race;
2. An order granting Plaintiff full compensation for all violations of the law;
3. An award of liquidated damages in an amount to be proven at trial pursuant to 29 U.S.C. § 216(b);
4. An award of statutory damages pursuant to RCW 49.58.070;
5. An award of double damages pursuant to RCW 49.52.070;
6. An award of attorney's fees and costs in an amount to be proven at trial pursuant to 29 U.S.C. § 216, RCW 49.58.070, RCW 49.60.030, and/or RCW 49.52.070;
7. Pre-judgment and post-judgment interest; and
8. Such other and further relief as the Court deems just and equitable.

RESPECTFULLY SUBMITTED this 19th day of September, 2020.

VANGUARD LAW, LLC

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